

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

The A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986) – Order of detention made by the Collector & District Magistrate, Chittoor District, Chittoor in respect of **Sri Kamsani Gopal Krishna Swamy @ Appu, S/o K. Gopal, aged 59 years, Native of Balakrishnapuram Village, Vedurukuppam Manal, Chittoor District, R/o Door No.400, Avvai Shanmugam Road, Gopalapuram, Chennai-86, Tamilnadu State** - Confirmed – Orders – Issued.

GENERAL ADMINISTRATION (LAW & ORDER) DEPARTMENT

G.O.Rt.No.458

Dated 13.02.2015

Read the following:-

1. From the C & DM., Chittoor District, Chittoor, Proc. Roc No.C2/7840/2014, Dt: 29.12.2014.
2. G.O. Rt.No.75, G.A.(L&O) Dept., Dt.08.01.2015.
3. Govt. Letter No.01/L&O/A3/2015-3, dt.09.01.2015.
4. Representation of Sri Bharath Krishnaswamy, son of Detenu, Sri Kamsani Gopal Krishna Swamy @ Appu, Chennai-86, Tamilnadu State, dt. 05.01.2015.
5. Govt. Fax Memo No.01/L&O/A3/2015-2, dt.09.01.2015.
6. From the C & DM., Chittoor District, Chittoor, letter. Roc No.C2/7840/2014, Dt: 24.01.2015.
7. Wireless message No.01/LO/A3/2015-5 ; dt.03.02.2015.
8. G.O. Rt.No.393, G.A.(L&O) Dept., Dt.07.02.2015.
9. From the Advisory Board Report Dated: 05.02.2015.

ORDER:

WHEREAS, in the reference first read above. the Collector & District Magistrate, Chittoor District, Chittoor has made an order of detention, under section 3 (1) & (2) r/w. 2(a) & (g) of the Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (Act No.1 of 1986), against **Sri Kamsani Gopal Krishna Swamy @ Appu, S/o K. Gopal, aged 59 years, Native of Balakrishnapuram Village, Vedurukuppam Manal, Chittoor District, R/o Door No.400, Avvai Shanmugam Road, Gopalapuram, Chennai-86, Tamilnadu State** for illicit cutting, storing and transportation of Red sanders trees from the forest areas and smuggling to various destinations, with a view to prevent him from further indulging in a manner prejudicial to the maintenance of public order;

2. AND WHEREAS the Government have accorded approval of the said detention order under sub-section (3) of section 3 of the Act, vide Government Orders second read above;

3. And whereas, in the reference 4th read above, Sri Bharath Krishnaswamy, son of Detenu, Sri Kamsani Gopal Krishna Swamy @ Appu, has requested to deny the approval for preventive Detention Act on his father, and to direct the Jail Suprintendent, Central Prison, Rajahmundry, to provide best medical treatment available under the supervision of an expert oncologist and to save the life of his father. The C&DM, Chittoor has requested the to furnish his remarks on the request of the son of detenu in the reference 5th read above. In the reference 6th read above, the Collector & District Magistrate, Chittoor has thorough examination on the request of the son of detenu and reported that the contention of the petitioner is incorrect. In the reference 8th read above, the representation of Sri Bharath Krishnaswamy, son of **Sri Kamsani Gopal Krishna Swamy @ Appu, S/o K. Gopal**, was examined and rejected.

4. AND WHEREAS the Advisory Board on Preventive Detentions, constituted under section 9 of the said Act, comprising of Justice Sri T.L.N. Reddy (Retired), Chairman and two other Members, Under section 10 of the said Act, the Government within three weeks from the date of detention of a person under the order shall place before the Advisory Board, the Advisory Board shall submit its report to Govt., within seven weeks from the date of detention under sec. 11(1) of the said Act. The above said case placed before the Advisory Board for its consideration and to submit its report to Government, under section 11 (1) of the said Act, vide reference 3rd read above. The Advisory Board meeting held **at 3.00 P.M. on 30.01.2015**, the Superintendent, Central Prison,

(PTO)

Rajahmunry has informed that the detenu No.315, **Sri Kamsani Gopal Krishna Swamy @ Appu**, S/o K. Gopal has been handed over to police escort party, AMED Reserve, Tirupati, Chittoor Dist., on 29.01.2015 from Government General Hospital Kakinada with a direction to produce him before the Hon'ble Advisory Board on 30.01.2015 and bring him to back to Govt. General Hospital Kakinada after completion of the meeting. Instead of producing the detenu, the escort party submitted the letter by Dy. Civil Surgeon, RMOs, Govt. General Hospital Kakinada, Endt. Dt.29.01.2015, at 9.45 p.m. that the detenu is not fit to travel as per the DAP record. Hence the case is adjourned to 05.02.2015 intimate the concerned.

5. AND WHEREAS, the C&DM, Chittoor and other concerned has been requested vide reference 7th read above, to produce the detenu, **Sri Kamsani Gopal Krishna Swamy @ Appu**, S/O K. Gopal with Medical Assistance, If he is not in a position to move, they may to arrange **"VIDEO CONFERENCE OR SKIPE ARRANGEMENTS" in Kakinada and Hyderabad** to see and interact with detenu before the Advisory Board ON 05.02.2015 AT 3.00 P.M. in the Conference Hall at Majeera Guest House, Hyderabad without fail.

6. AND WHEREAS With reference to orders of the Advisory Board, the detaining authority/ S.P., Chittoor has arranged SKIPE to interact the detenu with the Advisory Board on 05.02.2015 to review the case of the detenu in the Conference Hall at Manjira Guest House, Hyderabad, after due perusal of the grounds of detention, all the connected records, and interacted with and heard on SKIPE the detenu and his son and observed the demeanor and the way detenu interacted with them and also heard the investigating Officer, the Board has tendered the following opinion:

"There is sufficient cause for the detention of the detenu, Sri Kamsani Gopal Krishna Swamy @ Appu, S/o K. Gopal, aged 59 years, Native of Balakrishnapuram Village, Vedurukuppam Manal, Chittoor District, R/o Door No.400, Avvai Shanmugam Road, Gopalapuram, Chennai-86, Tamilnadu State."

7. WHEREAS, the Government on careful examination of the entire record, it is observed that the detenu, **Sri Kamsani Gopal Krishna Swamy @ Appu, S/o K. Gopal, aged 59 years, Native of Balakrishnapuram Village, Vedurukuppam Manal, Chittoor District, R/o Door No.400, Avvai Shanmugam Road, Gopalapuram, Chennai-86, Tamilnadu State** was involved in as many as in 24 (Twenty four) cases, The above cases were registered against him, under the provisions of Sec.20(1) (ii) (iii) (iv) & (X) of A.P.Forest Act, and also under section 29 of Wild Life Protection Act, 1972 and 55(2) of Biological Diverting Act-2002 and Sec 307, 353,378 & 379 IPC. The details shows that he is a habitual offender. He is committed a series of forest offences by entering Government Reserve Forests without proper authorisation, serving standing red sanders trees heart wood to secret destinations in Bangalore/ Chennai and other un-known places. He has not stopped the same type of offences, even after cases and charges sheet were filed against him. It is also evident from the case records he is engaging in a huge number of persons in the clandestine business and they were arrested along with the red sander stock at the time cutting of tress and during transportation. The said activities are dangerous to forest wealth and prejudicial to maintenance of public order apart from disturbing the peace, tranquillity, social harmony / order in the society and he became a source of potential danger to the public. The said offences are punishable under Forest Act, 1967 and the rules made there under, as well as Chapter XVI or XVII or XXII of IPC. As such the activities of the individual falls under and within the meaning of 'Goonda' as defined under sec. 2(g) of Act 1 of 1986. All the incidents mentioned in the grounds of detention clearly substantiate as to how the acts of the detenu are prejudicial to the maintenance of public order. In catena of decisions, the Hon'ble Courts held that 'any acts of attempt or illegal cutting of the red sander trees and smuggling the timber, would certainly have its impact on the public order". The detaining authority having taken into account and consideration of indulgence of the detenu in the above said activities repeatedly at regular intervals and having satisfied that the penal laws have failed to curb his illegal activities, has passed the detention order against the detenu by invoking the provisions under the Act 1 of 1986, in order to prevent him from indulging further in such activities, which are prejudicial to maintenance of public order and dangerous to forest wealth. The Advisory Board after review of the case, has opined that there is sufficient cause for the detention of the Detenu. As such, the detenu deserves the maximum period of detention, as provided under sec.13 of the Act;

8. NOW, THEREFORE, after due consideration of the report of the Advisory Board and the material available on record, Government, in exercise of the powers conferred under Sub-Section (1) of Section 12 read with Section 13 of the said Act, hereby confirm the Order of Detention made by the Collector & District Magistrate, Chittoor District, Chittoor in the reference 1st read above, as approved in the G.O. 2nd read above and direct that the detention of **Sri Kamsani Gopal Krishna Swamy @ Appu, S/o K. Gopal, aged 59 years, Native of Balakrishnapuram Village, Vedurukuppam Manal, Chittoor District, R/o Door No.400, Avvai Shanmugam Road, Gopalapuram, Chennai-86, Tamilnadu State**, be continued for a period of 12 (Twelve) months from the date of his detention, i.e. 01.01.2015.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**I.Y.R. KRISHNA RAO
CHIEF SECRETARY TO GOVERNMENT**

To

Sri Kamsani Gopal Krishna Swamy @ Appu, S/o K. Gopal, aged 59 years, Native of Balakrishnapuram Village, Vedurukuppam Manal, Chittoor District, R/o Door No.400, Avvai Shanmugam Road, Gopalapuram, Chennai-86, Tamilnadu State **through** the Superintendent of Jails, Central Prison, Rajahmundry, East Godavari District.

The Superintendent of Jails, Central Prison, Rajahmundry, East Godavari District (with instructions to serve the order on the detenu immediately under proper acknowledgement and arrange to read over and explain the contents therein to the detenu in the language known to him and report compliance to Government)

The Collector & District Magistrate, Chittoor District, Chittoor.

The Superintendent of Police, Chittoor District, Chittoor.

The Forest Range Officer, Tirupathi, Chittoor District.

Copy to:

The Director General of Police, A.P., Hyderabad.

The Director General of Prisons and Correctional Services,
A.P., Hyderabad.

The Addl. Director General of Police (Intelligence), A.P., Hyderabad.

The Special Government Pleader, Attached to LAG, A.P., Hyderabad.
SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER (SC)